IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 3132 of 1997
To
FIRST APPEAL No. 3134 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

UNITED INDIA INSURANCE CO LTD. - Appellant(s)
Versus
DAHYUSINH MANSINH MAKWANA & 2 - Defendant(s)

==========

Appearance :
MR PV NANAVATI for Appellant(s) : 1,MR VIBHUTI NANAVATI for Appellant(s) : 1,
MR JV JAPEE for Defendant(s) : 1,
NOTICE SERVED for Defendant(s) : 2 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 01/02/2007

ORAL COMMON JUDGMENT :

1. Heard the learned counsel for the appellant. These are appeals under section 173 of the Motor Vehicles Act, 1988, at the instance of the insurer of the vehicle which is allegedly involved in the accident in question.

2. The appellant challenges herein the orders passed by the Tribunal under section 140 of the said Act. Obviously, these awards are in the nature of interim awards which are subject to adjustment against the final award which may be passed in the main claim petitions pending before the concerned Motor Accident Claims Tribunal.

3. In the premises aforesaid, I see no reason to interfere, at this stage, with the matter and interest of justice would be met by passing the following order :

4. The amount deposited by the appellant shall be continued in the fixed deposit till the final disposal of the main claim petitions. The periodical interest accruing on the said amount shall be paid to the original claimants. The original claimants shall, however, file an undertaking, if not already given, before the Tribunal within four weeks of the service of this order on the claimants to the effect that the main claim petitions shall not be abandoned, shall not be withdrawn and shall not be permitted to be dismissed for default or for any other cause, and that the claimants shall obtain a decision on merits in the said claim petitions. The amount awarded under the impugned order shall be adjusted against the final award in the main claim petitions.

5. The Tribunal is directed to dispose of the main claim petitions within a period of one year from the date of receipt of the writ of this Court.

6. With the above observations the above appeals are disposed of with no order as to costs.

7. The amount deposited in the appeal, if any, with the Registry, if not already transmitted, is directed to be transmitted to the Tribunal forthwith i.e. not later than 15th February, 2007.

8. The R & P to be re-transmitted to the Tribunal forthwith, i.e. latest by 15th February, 2007.

[Akshay H Mehta, J.]

* Pansala.